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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/614,707    07/12/00    ROBINSON

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EXAMINER
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MMC2/0405

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NGUYEN, C ART UNIT	PAPER NUMBER
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2831  
DATE MAILED:

*6e*

04/05/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
09/614,707

Applicant  
Wayne H. Robinson

Examiner  
Chau Nguyen

Group Art Unit  
2831



☒ Responsive to communication(s) filed on Feb 22, 2001

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-11 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 1-7 is/are allowed.

☒ Claim(s) 8-11 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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**DETAILED ACTION**

***Reissue Applications***

***Response to Amendment***

1. The amendment filed on Feb. 22, 2001 is improper because the claims should be copied from the original claims and shown the changes by underlining or bracketing. Specifically, the words from the original claims should be put all back in the amended claims.
  
2. Claims 8-11 are rejected under 35 U.S.C. 251 as being an improper recapture of broadened claimed subject matter surrendered in the application for the patent upon which the present reissue is based. See *Hester Industries, Inc. v. Stein, Inc.*, 142 F.3d 1472, 46 USPQ2d 1641 (Fed. Cir. 1998); *In re Clement*, 131 F.3d 1464, 45 USPQ2d 1161 (Fed. Cir. 1997); *Ball Corp. v. United States*, 729 F.2d 1429, 1436, 221 USPQ 289, 295 (Fed. Cir. 1984). A broadening aspect is present in the reissue which was not present in the application for patent. The record of the application for the patent shows that the broadening aspect (in the reissue) relates to subject matter that applicant previously surrendered during the prosecution of the application. Accordingly, the narrow scope of the claims in the patent was not an error within the meaning of 35 U.S.C. 251, and the broader scope surrendered in the application for the patent cannot be recaptured by the filing of the present reissue application.

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During the original prosecution, in the Office Action dated Oct. 13, 1998, claim 5 was indicated to be allowable claim. The patent claim 1 was allowed because it incorporated the limitations of claim 5 into the claim original 1. Claim 5 recited that: "the sleeve is in the form of a funnel having a lower, bifurcated, narrow end and a wider upper end having a cylindrical extension that threads into said inlet of said enclosure, said funnel having a threaded exterior surface and said compression means including a threaded ring having an internal diameter that corresponds to that of the narrow bifurcated end, and the ring being rotated so as to compress the bifurcated end of the funnel around the conductor".

It is clear from the record that the patent claim 1 was allowed because it incorporated the limitations of claim 5.

The instant reissue application adds new claims 8-11 in which claim 8 is the independent claim. A review of independent claim 8 indicates that claim 8 does not recite the limitations of claim 5. Thus, claim 8 is broader than the patent claim 1, and the claim is broader in aspects relating to subject matters during the original prosecution. Accordingly, claims 8-11 are rejected under 35 USC 251.

### ***Response to Arguments***

3. Applicant's arguments filed Feb. 22, 2001 have been fully considered but they are not persuasive.

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Applicant argues that claim 8 in this Reissue is different and broader from claim 1 in the patent such as the sleeve in claim 8 is substantially in the form of a cylinder while the sleeve in the patent is in the form of a funnel.

In response, as stated in the above that the patent claim 1 was allowed because **“the sleeve is in the form of a funnel having a lower, bifurcated, narrow end and a wider upper end having a cylindrical extension that threads into said inlet of said enclosure, said funnel having a threaded exterior surface and said compression means including a threaded ring having an internal diameter that corresponds to that of the narrow bifurcated end, and the ring being rotated so as to compress the bifurcated end of the funnel around the conductor”**. On the other hand, claim 8 in this Reissue recites **“said sleeve being substantially in the form of cylinder having a threaded extension that passes through said inlet of said enclosure, said compression means includes a long handled plier having one toothed arm and another arm having a corresponding groove, said plier grasping said sleeve at spaced sections thereof to crimp said sleeve”**. Accordingly, the limitations omitted in this Reissue is that **“the sleeve is in the form of a funnel having a lower, bifurcated, narrow end and a wider upper end”**. This provides a broadening aspect to the reissue claim, and such omission is related to subject matter surrendered in the original application. Moreover, claim 8 in this reissue recites **“said compression means includes a long handled plier having on toothed arm and another arm having a corresponding groove”** to compress the sleeve. This is just an alternative species of the compression means.

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In conclusion, claim 8 in this reissue provides a broadening aspect which is related to subject matter surrendered in the original application.

Applicant also compares the added claim 8 in the original application and claim 8 in this reissue. However, the added claim 8 in the original application is not related to subject matter surrendered in the original application, other words added claim 8 in the original application was not canceled to place the original application in condition for allowance.

*Allowable Subject Matter*

4. Claims 1-7 are allowed if they were written as the claims in the surrendered patent.

*Summary*

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event will the statutory period for reply expire later than SIX MONTHS from the date of this final action

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*Communication*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chau N. Nguyen whose telephone number is (703) 308-0693.

A handwritten signature in cursive script, appearing to read "Chau N. Nguyen".

Chau N. Nguyen

Patent Examiner

March 29, 2001